

REMARKS

Favorable reconsideration is respectfully requested.

Claims 1, 6 and 9 are currently amended. Claims 7 and 8 are cancelled.

The amendments to claims 1, 6 and 9 are supported at page 1, lines 5- 8, page 9, lines 21-24, and original claims 7 and 8 of the specification.

Accordingly, no new matter is added.

Claim Rejections – 35 U.S.C. §102

Claims 1-5 are rejected under 35 U.S.C. §102(b) as being anticipated by Noriaki (JP 09-074999) (hereinafter referred to as JP'999). Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by Akiko (JP 09-163929) (hereinafter referred to as JP'929), as further evidenced by Schwartzberg ((1992) Physical Chemistry of Foods, Marcel Dekker, Inc., Table 6.6).

Applicants respectfully traverse each of these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The prior art does not disclose or suggest a fat composition for coating a food to be cooked, without frying in oil, by spraying or immersing, which comprises a fat and an agent for reducing the contact angle of the resulting fat composition.

According to the present invention, a cooked food can be obtained by means of a simple cooking procedure comprising coating an unfried food with the fat composition of claim 1 by spraying or immersing without using a deep frying step. This thereby avoids problems such as deterioration of the working environment, waste oil disposal, and the like, accompanying frying. See the first paragraph of the specification.

Further, by reducing the contact angle between the fat composition and food to be cooked e.g. dough, it is possible to cook food with a smaller amount of oil by using the fat composition

of claim 1 as compared with a conventional fried food. See the paragraph bridging from page 10 to page 11 of the specification.

The attached drawings illustrate the effect obtained by reducing the contact angle. (Conventional corresponds to a larger contact angle and Present corresponds to the reduced contact angle in the present invention). That is, fats and oils readily spread on dough (Less oil) as compared with Conventional (More oil), thereby reducing the amount of fats and oils required for cooking.

The references relied upon by the Examiner are entirely directed to frying oil compositions and do not teach or suggest a fat composition for coating an unfried food, as recited in the present claims, and in particular claim 9. The prior art also does not suggest the above advantages of the present invention.

Accordingly, the present claims are not anticipated by the prior art.

Claim Rejections - 35 U.S.C. §103

Claims 1-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Noriaki.

Claims 1-4 and 6-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Akiko as further evidenced by Schwartzberg.

Applicants respectfully traverse each of these rejections.

"To reject a claim as obvious, Office personnel must articulate a finding that the prior art included each element claimed." See MPEP §2143(A). As discussed above, the prior art does not disclose or suggest a fat composition for coating a food to be cooked, without frying in oil, by spraying or immersing and which includes an agent for reducing the contact angle of the fat composition.

With regard to claim 9, the Office has not cited a reference which discloses the cooking process disclosed in claim 9, and as further illustrated, for example, in the Drawings shown on the attached sheet. The invention of claim 9 provides a process that allows a fat composition to

be readily spread on, for example, dough, thereby reducing the amount of oil needed for cooking as well as simultaneously providing a number of other advantages as discussed above.

Accordingly, all of the elements of the present claims are not disclosed or suggested by the prior art and this rejection must withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

Hideki KOMAI et al.

By: J. Mark Konieczny
J. Mark Konieczny
Registration No. 47,715
for
Matthew M. Jacob
Registration No. 25,154
Attorney for Applicants

MJ/JMK/aas
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 14, 2008

Drawings for illustrating contact angle